

Bureau of Land Management, Roswell Field Office
Environmental Assessment Checklist, EA# NM-510-2007-0016

Resources	Not Present on Site	No Impacts	May Be Impacts*	Mitigation Included	BLM Reviewer Irene Gonzales	Date
CRITICAL ELEMENTS OF THE HUMAN ENVIRONMENT *must be addressed in document						
Air Quality				x	Hydrologist	
Floodplains	x				/s/ Michael McGee	1/3/07
Water Quality - Surface/Ground				x	Geologist/Hydrologist /s/ Michael McGee	1/3/06
Cultural Resources			x	x	Archaeologist	
Native American Religious Concerns		x			Pat Flanary 07-R-007-A	01-03-07
Environmental Justice		X			/s/ J H Parman	1/3/07
Areas of Critical Environmental Concern	X				Plan & Env. Coord.	
Farmlands, Prime or Unique	x				Realty Irene M. Gonzales	10-24-06
Invasive, Non-native Species			√	√	Range Mgmt. Spec. /s/ Joseph M. Navarro	01/03/07
Wastes, Hazardous or Solid					Haz. Mat Spec	
Threatened or Endangered Species	X				Biologist	
Wetlands/Riparian Zones	X				/s/ Ernest Jaquez	01/16/07
Wild and Scenic Rivers					Outdoor Rec. Plnr.	
Wilderness	x				Paul Happel	1/9/07
NON-CRITICAL ELEMENTS						
General Topography/Surface Geology					Sur .Prot. Spec.	
Solid Mineral Resources		√			Geo/SPS /s/ Jerry Dutchover	12/19/06
Fluid Mineral Resources		√			Pet Engr/Geo	12/19/06
Paleontology		x			Archaeology Pat Flanary	01-03-07
Soil				x	Hydrologist	
Watershed/Hydrology				x	/s/ Michael McGee	1/3/06
Vegetation			√	√	Range Mgmt . Spec.	
Livestock Grazing			√	√	/s/ Joseph M. Navarro	01/10/07
Special Status Species	X				Biologist	
Wildlife		X			/s/ Ernest Jaquez	01/16/07
Recreation			x		Outdoor Rec. Plnr.	
Visual Resources			x		Paul Happel	1/9/07
Cave/Karst			x			
Public Health and Safety					Sur. Prot. Spec.	

BUREAU OF LAND MANAGEMENT
ROSWELL FIELD OFFICE
ROSWELL, NM 88201

ENVIRONMENTAL ASSESSMENT
EA# NM-510-07-0016
Right-of-Way NM 114121

Applicant: Central Valley Electric Coop., Inc.
P. O. Box 219
Artesia, NM 88211-0219

LOCATION: T. 15 S., R. 21 E., NMPM
Section 24: NE1/4SW1/4, N1/2SE1/4.
T. 15 S., R. 22 E.,
Section 19: Lots 2, 3 and S1/2NE1/4, SE1/4NW1/4;
Section 20: S1/2N1/2, NW1/4SW1/4;
Section 21: S1/2NW1/4;
Section 30: NE1/4NE1/4.

Preparer: Irene M. Gonzales

October 17, 2006

I. INTRODUCTION

A. Need for the Proposed Action

The proposed electric facilities will be used primarily to supply the oil and gas industry with electric power for the development of the oil and gas resources.

B. Conformance with Land Use Plan

The proposed action is in conformance with the approved Roswell Resource Management Plan (RMP), and is consistent with Bureau policy and guidance.

C. Relationship to Statutes, Regulations, or Other Plans

The proposed action does not conflict with any known State or Local planning or zoning ordinance. The authority for this action is the Federal Land Policy and Management Act of 1976.

II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

A. Background and Proposed Action

On September 19, 2006, Central Valley Electric Cooperative, Inc.,(CVE), filed a right-of-way application for an overhead electric distribution line located in the rural area southwest of Roswell, New Mexico.

The archaeological report was received on October 17, 2006.

The proposed electric distribution line would be used primarily to supply power to the Felix River Ranch for development of the Rattlesnake and Kimble water wells. The Rattlesnake water well is located on private land in Section 22, T. 15 S., R. 22 E and the Kimble Well is located in Section

30, T15 S., R. 22 E. The proposed power line would begin at an existing CVE power line located in Section 24, T. 15 S., R. 21 E.

This proposed 7.2/12/47 KV and 120/240 Volt electric distribution line will utilize 30 and 35 foot poles with respective span of 400 feet, and 100 feet. Total aggregated length of the proposed power line would be 22,699.06 feet with a proposed width of 30 feet. Of the 22,699.06 feet, a total of 20,381.41 feet would be located on public land.

An auger would be used to drill the holes for the power poles. The poles would be set in the holes with a hoist and the holes would be backfilled. Subsequently, transformers would be installed, lines strung and the power line energized. The power line would be a vertical construction (no cross arms).

The right-of-way would contain 22,381.41 feet in length and 30 feet in width (3.860 miles, 14.0366 acres).

The proposed action is located Chaves County, New Mexico. The legal land description is:

New Mexico Principal Meridian

T. 15 S., R. 21 E., NMPM

Section 24: NE1/4SW1/4, N1/2SE1/4.

T. 15 S., R. 22 E.,

Section 19: Lots 2, 3 and S1/2NE1/4, SE1/4NW1/4;

Section 20: S1/2N1/2, NW1/4SW1/4;

Section 21: S1/2NW1/4;

Section 30: NE1/4NE1/4.

B. Alternatives

No Action

Under this alternative the application would be rejected.

Change the Alignment--Reroute the Project

There are no alternate routes that would have significantly less environmental impacts or any clear advantages over the proposed action. Therefore, the alternative of changing the location of the project is not analyzed further.

III. AFFECTED ENVIRONMENT

General Setting. The proposed action is located 25 miles northwest of Artesia. The primary route is as follows; junction U. S. Highway 285 South for approximately 23 miles to junction 285 and State Road 13. Then travel 20 miles on State Road 13 to a road on private land and turn south to travel to the water well location.

Both the surface and mineral estates are in public ownership on the portion located on public land. An inspection of the Master Title Plats revealed the following title information.

Oil and Gas Lease – No oil and gas lease of record on plat.

Rights-of-way – No rights-of-way of record.

Affected Resources. The following critical elements have been evaluated and are either not present or are not affected by the proposed action or the alternatives in this EA.

Areas of Critical Environmental Concern (ACECs)
Farm Lands (Prime and Unique)
Floodplains
Native American Religious Concerns
Threatened or Endangered (T&E) Species (plant & animal)
Wastes, Hazardous and/or Solid
Wetlands and Riparian Zones
Wild and Scenic Rivers
Wilderness

The impact of the proposed action and alternatives to minority or low-income populations or communities has been considered and no significant impact is anticipated.

A. Air Quality:

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soils and exhaust emissions from motorized equipment.

B. Soil

The *Soil Survey of Chaves County, New Mexico, Southern Part (USDA Soil Conservation Service 1980)* was used to describe and analyze impacts to soil from the proposed action. The soil map units represented in the project area are:

Lozier-Tencee complex, 1 to 9 percent slopes (Lt) For the Lozier and Tencee soil, runoff is medium and the hazard of water erosion is slight or moderate, and the hazard of soil blowing is slight.

Reeves-Holloman association, 0 to 5 percent slopes (Rl) For Reeves and Holloman soils runoff is medium and the hazard of water erosion and soil blowing are moderate.

Tencee Upland Complex, 0 to 9 percent slopes (Tg) Runoff of the unit soil is medium and the hazard of water erosion is moderate and the hazard of soil blowing is slight.

Ector-Rock outcrop complex, 0 to 9 percent slopes (EcC) Runoff is rapid and the medium of water erosion is moderate and soil blowing is slight. Rock outcrop is rapid.

C. Vegetation Mixed Desert Shrub

This proposed action is within the mixed desert shrub plant community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Appendix 11 of the Draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. The mixed desert shrub community is primarily made up of desert grasses, shrubs and cacti. The predominant shrub species include creosote (*Larrea tridentata*), mesquite (*Prosopis glandulosa*), tarbush (*Flourensia cernua*), saltbush (*Atriplex canescens*), little leaf sumac (*Rhus microphylla*), sage (*Artemesia* spp.), yucca (*Yucca* spp.) and javalinabush (*Condalia* spp.) Common cacti encountered are claret cup (*Echinocereus triglochidiatus*), cholla (*Opuntia imbricata*), prickly pear (*Opuntia phaeacantha*), and eagle claw (*Echinocactus horizonthalonius*). Forbs include plantain (*Plantago* spp.), globemallow (*Sphaeralcea* spp.), bladderpod (*Lesquerella* spp.) and buckwheat (*Eriogonum* spp.). Grasses include fluffgrass (*Dasyochloa pulchella*), sideoats grama (*Bouteloua curtipendula*), black grama (*Bouteloua eriopoda*), burrograss (*Scleropogon brevifolius*), dropseed (*Sporobolus* spp.), tobosa (*Pleuraphis mutica*) and blue grama (*Bouteloua gracilis*). Additional species included are gyp grama (*Bouteloua breviseta*), coldenia (*Coldenia* spp.), gyp muhly (*Muhlenbergia* spp.) and Mormon tea (*Ephedra* spp.). Biological crusts also make up a major portion of this soil surface where gyp inclusions may occur; these crusts are indicative of gyp outcrop soil and protect the surface from undue erosion.

The Ecological Site Description for the proposed well pad and access road is [(SD-3 Shallow-Southern Desertic Basins, Plains & Mountains)].

D. Invasive & Noxious Weeds

There are no known populations of invasive or noxious weed species on the proposed access road and well pad (powerline, rights-of way, fence line etc.)

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3 billion annually. These losses are attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producer' feed and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduce realty values of both the directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

D. Livestock Grazing/Range

The proposed project is located within the Carlsbad Field Office grazing allotment:

E. Wildlife

Wildlife species utilizing this habitat include mule deer, pronghorn, dove, quail, Northern harrier, coyote, foxes, rabbits, kangaroo rats, pocket gophers, prairie rattlesnakes, as well as a variety of raptors.

F. Visual Resources

The proposed action is located within a designated VRM Class IV area. The setting presents a winter gray setting and in warm months, with foliage, a gray to gray-green color pattern. The proposed project is located in an area where numerous oil and gas production and development is ongoing.

G. Water Quality, Drinking and Ground

Surface water within the area is affected by geology, precipitation, and water erosion. Factors that currently affect surface water resources include livestock grazing management, oil and gas development, recreational use and brush control treatments. No perennial surface water is found on public land in the area. Ephemeral surface water within the area may be located in tributaries, playas, alkali lakes and stock tanks.

Groundwater within the area is affected by geology and precipitation. Factors that can affect groundwater resources in the area include livestock grazing management, oil and gas development, groundwater pumping, and possible impacts from brush control treatments. Most of the groundwater in the area is used for industrial, rural, domestic and livestock purposes.

H. Watershed – Hydrology

The watershed and hydrology in the area is affected by land and water use practices. The degree to which hydrologic processes are affected by land and water use depends on the location, extent, timing and the type of activity. Factors that currently cause short-lived alterations to the hydrologic regime in the area include livestock grazing management, recreational use activities, groundwater pumping and also oil and gas developments such as well pads, permanent roads, temporary roads, powerlines, and powerlines.

Recreation:

The area around the proposed action site is primarily used by recreational visitors engaged in hunting and off-highway vehicle use. Non-recreation visitors include oil and gas industrial workers and ranchers.

Cave/Karst

The proposed action is located in the High Potential Karst Area.

Archaeology

Two newly recorded sites (LA 154129 and LA 154130) and two isolated manifestations (IM's) were encountered and recorded. LA 154129 retains additional research potential is therefore recommended eligible for nomination to the National Register of Historic Places (NRHP). This site is located on private property owned and operated by the Felix River Ranch (FRR, Inc). Construction of the proposed overhead powerline could have an adverse affect to the overall integrity of LA 154129. No demolition or removal of the windmill or windmill scaffold structures is planned. Based on the pole locations staked in the field, the proposed powerline will span the small cement structure associated with Site LA 15429.

LA 154130 was entirely documented in the field and is recommended not eligible to the NRHP.

IV. Environmental Impacts

Impacts of the Proposed Action. Impacts from the proposed action are minimal and short-term in nature. Temporary soil and vegetative disruption would occur during installation of the powerline. Removal of vegetation along the right-of-way will not take place. However, some soil loss will occur from soil blowing winds, as a natural result from exposing of the soils during installation of the power poles. Some vegetation would be crushed by vehicles during installation/maintenance activities. A reduction in AUM's would not occur.

Air quality would temporary be impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct and install the proposed action. Dust dissemination would discontinue upon completion of the construction and installation phase of the proposed action. Air pollution from the motorized equipment would discontinue at the completion of the construction and installation phase of the proposed action. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction and installation phases of the proposed action are completed.

The construction of an access road, powerline and/or well pad may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seed could be carried to and from the project areas by construction equipment, the drilling rig and transport vehicles. The main mechanism for seed dispersion on the roads and well pads is by equipment and vehicles that were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seeds may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting onto and exiting the construction areas would minimize this impact.

Impacts by noxious weeds will be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

Impacts from the proposed construction activity may cause temporary disruption of wildlife activity within the immediate vicinity of the project area. More mobile species such as small

mammals and birds would temporarily leave the site during actual construction/maintenance activities but should return in a short period of time.

Facilities, such as overhead powerlines that rise above eight feet, would provide a geometrically strong vertical and horizontal visual contrast in form and line to the characteristic landscape and vegetation, which have flat, horizontal to slightly rolling form and line. However, the construction of a powerline of wood poles and a right-of-way road, would slightly modify the existing area visual resources.

No known special status species (plant/animal) or critical habitat is present in the area. Some small wildlife species may be killed and their dens or nests destroyed during construction of the facilities. The operations would displace wildlife with a low tolerance these activities from the area. Negative impacts to wildlife would occur during the construction phase of the operation due to noise and habitat destruction resulting from ongoing disturbances such as vehicle traffic and equipment maintenance. The construction of facilities such as these would cause fragmentation of wildlife habitat. In general, most wildlife species could possibly become habituated to the new facilities. The conditions of approval should alleviate most losses to wildlife species. Upon completion of the project the area should re-vegetate and wildlife could return to previous levels.

The VRM Classifications are Class III and IV: The Class III objective is to: Partially retain existing landscape character. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate a casual observer's view. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

The objective of Class IV is to: "Provide for management activities which require major modification of the existing landscape character...Every attempt, however, should be made to reduce or eliminate activity impacts through careful location, minimal disturbance, and repeating the basic landscape elements."

Every attempt, however, should be made to reduce or eliminate activity impacts through careful location, minimal disturbance, and repeating the basic landscape elements."

Through color manipulation by using color-blending materials, such as brown wood poles in a landform setting with a gray-green to brownish color, the view from relatively distant access roads and observation points is expected to favorably blend with the color and texture of the existing landscape.

Powerline construction activities would have little or no affect on recreational opportunities within this area. Large blocks of public land would allow recreationists to use public land and avoid the relatively short distance powerline.

While the proposed action is located in the Medium Potential Karst Area, no surface cave/karst features were observed in the immediate vicinity of the proposed actions.

The use of wood power poles should lessen the impacts to the view shed within the area. The color of the power lines should not effect the view shed within the area.

Recreation: Power lines and the access road could have an affect on recreational opportunities within this area.. Large blocks of pubic land would allow recreationists to use pubic land and avoid the power lines within the area. Right of Way activities would have little or no affect on recreational opportunities within this area. Large blocks of pubic land would allow recreationist to use pubic land and avoid the oil and gas facilities within the area.

Cave/Karst: The proposal is in a medium karst potential area. There should be no adverse impact to karst features within the proposed action area. No surface cave/karst features were observed in the immediate vicinity of the proposed action. Unknown karst features may be found during the power post drilling.

Water Quality Drinking/Ground: Surface disturbance from the construction of the powerline can result in degradation of surface water quality and groundwater quality from non-point source pollution, increased soil losses, and increased gully erosion.

Potential direct impacts that would occur due to construction of the powerline include increased surface water runoff and off-site sedimentation brought about by soil disturbance and increased salt loading and water quality impairment of surface waters. The magnitude of these impacts to water resources would depend on the proximity of the disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures. Direct impacts would likely be greatest shortly after the start of construction activities and would likely decrease in time due to natural stabilization, and reclamation efforts. Construction activities would occur over a relatively short period; therefore, the majority of the disturbance would be intense but short lived. Direct impacts to surface water quality would be minor, short-term impacts which may occur during storm flow events. Indirect impacts to water-quality related resources, such as fisheries, would not occur. Authorization of the proposed projects would require full compliance with BLM directives and stipulations that relate to surface and groundwater protection.

Soil: The construction of the powerline would physically disturb topsoil and would expose the substratum soil. Direct impacts resulting from the construction of the powerline include removal of vegetation, exposure of the soil, mixing of horizons, compaction, loss of top soil productivity and susceptibility to wind and water erosion. Wind erosion would be expected to be a minor contributor to soil erosion with the possible exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation. Upon relinquishment of the powerline the Authorized Officer shall issue instructions and/or orders for surface reclamation/restoration of the disturbance.

Watershed – Hydrology: Construction and surface disturbance activities from the construction of the project can result in long term and short term alterations to the hydrologic regime. Peak flow and low flow of perennial streams, ephemeral, and intermittent rivers and streams would be directly affected by an increase in impervious surfaces resulting from the construction of the well pad and road. The potential hydrologic effects to peak flow is reduced infiltration where surface flows can move more quickly to perennial or ephemeral rivers and streams, causing peak flow to occur earlier and to be larger. Increased magnitude and volume of peak flow can cause bank erosion, channel widening, downward incision, and disconnection from the floodplain. The potential hydrologic effects to low flow is reduced surface storage and groundwater recharge,

resulting in reduced baseflow to perennial, ephemeral, and intermittent rivers and streams. The direct impact would be that hydrologic processes may be altered where the perennial, ephemeral, and intermittent river and stream system responds by changing physical parameters, such as channel configuration. These changes may in turn impact chemical parameters and ultimately the aquatic ecosystem. Long term direct and indirect impacts to the watershed and hydrology would continue for the life of the project and would decrease once reclamation of the project has taken place. Short term direct and indirect impacts to the watershed and hydrology from access roads that are not surfaced with material would occur and would likely decrease in time due to reclamation efforts. Upon relinquishment of the project the Authorized Officer shall issue instructions and/or orders for surface reclamation/restoration of the disturbance.

Archaeology: LA 154130 was entirely documented in the field and is recommended not eligible to the NRHP.

No demolition or removal of the windmill or windmill scaffold structures is planned. Based on the pole locations staked in the field, the proposed powerline will span the small cement structure associated with Site LA 154129. Because LA 154129 has additional information potential construction of the proposed powerline could have an adverse affect on this site

Impacts of the Alternatives.

1. The "No Action" alternative denies the application. This alternative would result in no environmental impacts; however, there would be adverse economic impacts to the applicant. Electric service would not be supplied to the oil and gas industry thereby not allowing for the development of the oil and gas resources. There have been no significant or unmitigatable impacts identified which would warrant selection of this alternative.

Mitigating Measures

The applicant will be required to comply with the Roswell District Standard Stipulations for Overhead Electric Distribution Lines as directed in the proposed RMP.

Construction material shall be hand carried through Site LA 154129. No vehicular traffic shall be allowed through this site.

Residual Impacts

The land along the proposed route has already been disturbed by powerlines, roads and powerlines. It is anticipated that the land along the proposed route as well as adjacent land, will continue to be used for a variety of right-of-way facilities, therefore, the cumulative effects of the project on the identified resources and existing rights-of-way are not significant.

V. Consultation and Coordination

The comments and suggestions expressed during the consultation have been incorporated into this EA.

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

EA# NM-510-07-0016

Right-of-Way NM 114121

Recommendation: I recommend that the proposed action by Central Valley Electric Coop., Inc. for installation of an overhead electric distribution line be approved as mitigated, subject to the Standard Stipulations for Overhead Electric Distribution Lines in the Roswell District, BLM. This action will affect the following public land:

New Mexico Principal Meridian

T. 15 S., R. 21 E., NMPM

Section 24: NE1/4SW1/4, N1/2SE1/4.

T. 15 S., R. 22 E.,

Section 19: Lots 2, 3 and S1/2NE1/4, SE1/4NW1/4;

Section 20: S1/2N1/2, NW1/4SW1/4;

Section 21: S1/2NW1/4;

Section 30: NE1/4NE1/4.

Authority of this action is the Federal Land Policy and Management Act of 1976.

Rationale for recommendation: The proposed action would not result in any undue or unnecessary environmental degradation. Portions of the subject land and adjacent land have been used for similar purposes and all present and potential uses and users have been considered.

Prepared by:

/s/Irene M. Gonzales

1/17/07

Irene M. Gonzales, Realty Specialist

Date

Decision: The recommendation and rationale are adopted as my decision.

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

Compliance and Monitoring

The construction phase of this proposed action and subsequent operational phases will be monitored as per regulation.

/s/Larry D. Bray

1/17/07

Larry D. Bray
Assistant Field Manager, Lands and Minerals

Date

BLM Serial Number: NM 114121

Company Reference: Rattlesnake & Kimble Wells powerline

STANDARD STIPULATIONS FOR OVERHEAD ELECTRIC DISTRIBUTION LINES
IN THE ROSWELL FIELD, BLM

The holder agrees to comply with the following stipulations to the satisfaction of the Authorized Officer, BLM.

1. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public land under this authorization.
2. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. Seq.) with regard to any toxic substances that are used, generated by or stored on the powerline route or on facilities authorized. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
3. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. Seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. Seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the powerline). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
4. If, during any phase of the construction, operation, maintenance, or termination of the powerline, any oil or other pollutant should be discharged, impacting Federal land, the control and total removal, disposal, and cleaning up of such oil or other pollutant, wherever found, shall be the responsibility of the Holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up such discharge on or affecting Federal land, or to repair all damages to Federal land resulting therefrom, the Authorized Officer may take such measures as deemed necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the Holder. Such action by the Authorized Officer shall not relieve the Holder of any liability or responsibility.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on the Holder's behalf, on public or Federal land shall be

immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to the proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

6. The holder is hereby obligated to comply with procedures established in the Native American Graves Protection and Repatriation Act (NAGPRA) to protect such cultural items as human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered inadvertently during the course of project implementation. In the event that any of the cultural items listed above are discovered during the course of project work, the proponent shall immediately halt the disturbance and contact the BLM within 24 hours for instructions. The proponent or initiator of any project shall be held responsible for protecting, evaluating, reporting, excavating, treating, and disposing of these cultural items according to the procedures established by the BLM in consultation with Indian Tribes."

7. The holder shall be held responsible if noxious weeds become established within the area. Evaluation of growth of the noxious weeds shall be made upon discovery. Weed control will be required on the disturbed land resulting from this actions, which include the roads, pads and associated powerlines and on adjacent land affected by the establishment of weeds due to this action.

The holder shall insure that the equipment and or vehicles that will be used to construct, maintain and administer the access roads, well pad, and resulting well are not polluted with invasive and noxious weed seed. Transporting of invasive and noxious weed seed could occur if the equipment and vehicles were previously used in noxious weed infested areas. In order to prevent the spread of noxious weeds, the Authorized Officer shall require that the equipment and vehicles be cleaned with either high pressure water or air prior to construction, maintenance and administration of the access roads, well pad, and resulting well.

The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods, which include following EPA and BLM requirements and policy.

8. The holder shall be responsible for maintaining the site in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment.

9. The holder shall conduct all activities associated with the construction, operation and termination of the powerline within the authorized limits.

10. No blading or clearing of any vegetation will be allowed unless approved in writing by the Authorized Officer.

11. Power lines shall be constructed to standards outlined in "Suggested Practices for Raptor Protection on Powerlines," Raptor Research Foundation, Inc., 1981, unless otherwise agreed to by the Authorized Officer in writing. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle safe." Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modification and/or additions shall be made by the holder without liability or expense to the United States.

12. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed unless approved by the Authorized Officer.

13. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.

14. The holder shall evenly spread the excess soil excavated from pole holes in the immediate vicinity of the pole structure.

15. The BLM serial number assigned to this right-of-way grant shall be posted in a permanent, conspicuous manner, and be maintained in a legible condition for the term of the right-of-way at all major road crossings and at all serviced facilities. Numbers will be at least two inches high and will be affixed to the pole nearest the road crossing and at the facilities served.

16. Upon cancellation, relinquishment, or expiration of this grant, the holder shall comply with those abandonment procedures as prescribed by the Authorized Officer.

17. All surface structures (poles, lines, transformers, etc.) shall be removed within 180 days of abandonment, relinquishment, or termination of use of the serviced facilities or within 180 days of abandonment, relinquishment, or termination of this grant, whichever comes first. This will not apply where the power line extends to serve an active, adjoining facility or facilities.

18. Special stipulations:

Construction materials shall be hand carried through Site LA 154129. No vehicular traffic shall be allowed through this site.